

RECORD OF PROCEEDINGS
OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS

Page No. 2020 – 139

September 8, 2020

The City Council of the City of Gardner, Kansas met in regular session on September 8, 2020, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Mayor Steve Shute presiding. Present were Councilmembers Todd Winters, Rich Melton, Mark Baldwin, Randy Gregorcyk and Tory Roberts. City staff present were City Administrator James Pruetting; Police Captain Lee Krout; Utilities Director Gonzalo Garcia; Public Works Director Michael Kramer; Finance Director Matthew Wolff; Parks and Recreation Director Jason Bruce; City Attorney Ryan Denk; and City Clerk Sharon Rose. Others present included those listed on the attached sign-in sheet and others who did not sign in.

CALL TO ORDER

There being a quorum of Councilmembers present, Mayor Shute called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Shute led those present in the Pledge of Allegiance.

PRESENTATIONS

1. Proclaim the week of September 17-23, 2020 as Constitution Week in the City of Gardner, Kansas

Mayor Shute read into record a proclamation that the week of September 17-23, 2020 be known as Constitution Week in the City of Gardner, Kansas.

PUBLIC HEARING

PUBLIC COMMENTS

Adrianna Meder, 32604 W. 171st Ct, shared backgrounds, timeframe and other information to date. On July 30, she spoke with mayor via phone who said he would accept her resignation from the Planning Commission. She said she would not resign. At the August 3rd city council meeting, during council updates, Councilmember Melton expressed his concern regarding three things and wanted to review having her removed from her position. Those items were: postings made via her personal facebook page which is her right to freedom of speech; that she shut down a developer during the April 28th Planning Commission meeting which is an inaccurate accusation, the meeting minutes and video do not reflect that; and that she interfered with city personnel decisions, which is factless and an inaccurate accusation as her citizen opinion has nothing to do with hiring or firing employees. On August 27, she met in-person with City Administrator Pruetting who invited her to an executive session during the upcoming meeting to air her side of the allegations. She declined the invitation, saying that any questions she needed to answer could be done during public comment. On August 30, she received an email from City Administrator Pruetting as read into record: "The Gardner City Council is inviting you to participate in an executive session during the September 8 city council meeting to provide you the opportunity to respond to allegations of misconduct that may result in a vote by the council to remove you from the Planning Commission for cause. This matter is being conducted in executive session due to the nature of the discussion be directly related to a personnel matter. If you have any questions or concerns about your participation in this matter, please don't hesitate to contact me." She did not respond to the email. She respectfully declines to participate in this evening's executive session. She believes the city is organized in that the employees work for the City Administrator, who works for the Mayor, so why does the council want to call her into a closed meeting? There is no apparent reason for it. She is here to answer questions in the open public session and will not attend an executive session behind closed doors.

Mayor Shute read into record an email from Jan Pringle, 15271 Lake Road 1, who is not a constituent, as she lives outside the city limits: I am writing in lieu of attending the council meeting out of an abundance of caution for not mingling with other people during this time of Coronavirus spread. An old adage common in many cultures says, "A fish rots from the head down." I think this is an appropriate description for what is happening in Gardner right now. While city growth is exciting, there is a lack of moral and ethical leadership at the top and it's filtered down to infect a growing segment of the population. For example: I saw a middle schooler's video mocking the murder of a man from police brutality while many respondents dismissed it as merely "kids will be kids." I saw a City Council member who "liked" a Facebook meme mocking Black Lives Matter and shockingly showing

**RECORD OF PROCEEDINGS OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS**

Page No. 2020 - 140

September 8, 2020

appreciation of a teenager who murdered two people in Wisconsin. I saw a black woman called a racist for wishing to see diversity on the city council. I see residents on social media constantly issuing racist and sexist comments while bullying the science-minded people. I saw a City Council member mocking a peaceful demonstration by dressing up with guns and attack gear. I saw several graduation parties and residential cookouts with 40 to 50 people gathered in close proximity to each other in total disregard for the advice from health experts. I see several businesses defying the facemask mandate, which has resulted in many shoppers I know electing to take their business out of Gardner. Can there be any question where fodder for these negative and racist attitudes originate? When I see City Council members themselves defying a government mandate to wear a simple facemask one can only blame the head of the fish for much of it. Of course, the City Council members can't be held responsible for the actions of everyone, but they can and should be a model of what is right. I have friends in other parts of the metro area who make derogatory remarks about Gardner. The city is gaining a poor reputation with our neighbors and this will ultimately hinder future growth. As a Realtor of over 40 years, I know that businesses these days often analyze the social media and public sentiment in a city before deciding on where to relocate. I believe the City Council needs to reflect a better example than what we've witnessed thus far; both in words well as deeds. There should be an official statement issued declaring the city stands fast for ensuring the health, safety and dignity of every single person, including the aspects of encouraging face masks and social distancing. As for deeds, everyone in government positions should be wearing facemasks. Additionally I believe they should refrain from discussing controversial topics on social media, which are unrelated to city business. In the middle of this pandemic and time of economic uncertainty, the City Council needs to blaze new trails in establishing unity, respect and concern for its citizens now more than ever before. United we stand; divided we fall. City leadership should lead. They should not be sowing discord.

Chris Ward, 425 Stone Creek Drive, sent email to everyone regarding crosswalk situation at that park. He appreciated the fast response. His ideas were similar to what City Administrator Pruetting sent. The police department did a speed survey there, and the results are an average speed of 28 mph, but there was a police presence out there and everyone slows down when they see a cop. The numbers aren't reflective of what the residents who live out there experience. With the signage that will go up and the crosswalks that will be painted, is it viable to have speed bumps in that area. There's a park, a trail system, two crosswalks, and a bus stop. It's a bottleneck. The week of the speed survey wasn't an accurate reflection of what they see out there on a consistent basis. It's like taking a car to the mechanic and say it's making a sound, but the mechanic doesn't hear the sound. They don't feel like the city has a good picture of what they experience with speed and crazy drivers.

CONSENT AGENDA

- 1. Standing approval of the minutes as written for the regular meeting on August 17, 2020**
- 2. Standing approval of City expenditures prepared August 14, 2020 in the amount of \$914,186.40; and August 21, 2020 in the amount of \$3,530,962.82; and August 28, 2020 in the amount of \$4,737,098.87**
- 3. Consider the appointment of Mia Ham to the Planning Commission**

Councilmember Melton made a motion to approve the Consent Agenda.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

PLANNING & ZONING CONSENT AGENDA

COMMITTEE RECOMMENDATIONS

OLD BUSINESS

**RECORD OF PROCEEDINGS OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS**

Page No. 2020 - 141
September 8, 2020

NEW BUSINESS

1. Consider appointment of Community Development Director

City Administrator Jim Pruetting shared the personnel policy regarding director appointments. Section 3-106 of the City of Gardner, Kansas Personnel Policies, 2018 Edition states: "Applicants for Department Director level positions and above shall be appointed by the City Council upon recommendation of the City Administrator." City staff advertised for resumes and completed thorough resume reviews. Pruetting reviewed the resumes and selected two candidates for interview. The selection committee consisted of the City Administrator, the Finance Director, the Public Works Director, the acting Chief Planner, and the Human Resources Manager. After the interviews were completed, the unanimous choice was David Knopick. He brings a wealth of planning knowledge and experience from both the private and public sectors. He will be a great addition to our staff and will help foster the unprecedented growth the city is experiencing.

Councilmember Melton asked when Mr. Knopick will start if they approve him. Pruetting said next week. Councilmember Gregorcyk asked about vendor that they have to fill the staffing gap, that's pay as they go? They won't incur any more costs? Pruetting clarified the vendor they are using is as a planner, so they will use the vendor until the last planner position is filled. There are applicants for that position, once the director comes on board, they'll begin interviews to fill that position.

Resident asked how long it normally takes, this process of filling a director position. Was this process longer, shorter, or normal? Pruetting said it was a normal process.

Councilmember Gregorcyk made a motion to appoint David Knopick as Community Development Director.

Councilmember Melton Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

2. Consider adopting an ordinance amending sections of the Gardner Municipal Code relating to the change in name from "Business and Economic Development" Department and Director to "Community Development" Department and Director

Senior Management Analyst Amy Nasta stated this item is a housekeeping item. At the August 17, 2020, City Council meeting, the Governing Body approved Ordinance 2670 adopting a revised salary structure, which renamed the position of "Business and Economic Development Director" to "Community Development Director". Staff recommends updating sections of Titles, 5, 14, and 17 of the GMC to reflect the change in nomenclature from "Business and Economic Development" Department and Director to "Community Development" Department and Director. These changes are in nomenclature only and do not provide any contextual or substantive changes to any part of the GMC. Nasta noted that additional instances of "Business and Economic Development" Department or Director found in GMC 9.05.030 – Uniform Offense Code (UPOC). As the UPOC is scheduled for update in the near future, staff, after consultation with legal counsel, recommends nomenclature changes in GMC 9.05.030 take place in the context of the UPOC rather than in this proposed ordinance.

Councilmember Winters made a motion to adopt an ordinance amending multiple sections of Titles 5, 14, and 17 of the Gardner Municipal Code relating to the change in name from "Business and Economic Development" Department and Director to "Community Development" Department and Director.

Councilmember Melton Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2673.

Melton:	Yes
Baldwin:	Yes

**RECORD OF PROCEEDINGS OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS**

Page No. 2020 - 142

September 8, 2020

Roberts:	Yes
Winters:	Yes
Gregorcyk:	Yes

3. Consider adopting an ordinance declaring, establishing, amending, and creating codes, procedures, and policies for construction; amending multiple chapters of Title 15 – Buildings and Construction of the Code of the City of Gardner, Kansas, and amending or repealing all ordinances or regulations not in conformity

Senior Management Analyst Amy Nasta said Gardner Municipal Code (GMC) Title 15, Buildings and Construction, provides guidelines for the safe construction of buildings in the City of Gardner. These guidelines are based on national and international standards, which are adopted into the code by reference. Also included are various edits to these standards that are incorporated to customize certain portions of these codes to better fit the needs of the City. This practice is consistent with that of other public entities and municipalities throughout the country, including others in Johnson County. GMC Title 15 was last updated on March 18, 2013, with the passage of Ordinance 2423. This update incorporated editions of the national and international standards referenced above from 2012 or earlier. Updates to several items important to life, health, and safety make it important to update the code to incorporate newer editions of these standards, as well as accompanying edits pertinent to Gardner's current needs. If this passes, it will become effective on November 1.

Mayor Shute asked Ms. Nasta to highlight some of the changes. Some are to come into conformance with international standards, but there are others with regards to nomenclature and procedures. Nasta said most are to conform with the code. There are some changes that do allow for the governing body to establish fees for certain items, which will be coming up as part of a resolution later in the meeting. These items don't establish the fees themselves, but allow the governing body the power to establish the fees and allow for permits for certain items. The previous Business and Economic Development director and Nasta herself sent a very extensive survey detailing these items to several builders that regularly work in Gardner. The responses they received were positive, but they did remove one item based on those responses. This was the addition of mandatory storm shelters, as this was felt to be too expensive and more restrictive than other communities in the area. Councilmember Melton noted that the builders he spoke with were concerned about the storm shelter requirement.

Councilmember Melton made a motion to adopt an ordinance declaring, establishing, amending and creating codes, procedures and policies for construction, including the Building, Electric, Fire, Fuel Gas, Housing, Mechanical, Plumbing, and Residential Codes, amending Chapters 15.05, 15.15, 15.25, 15.30, 15.35, 15.40, 15.45 and 15.50, Buildings and Construction of the Code of the City of Gardner, Kansas, and amending or repealing all ordinances or regulations not in conformity herewith.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2674.

Baldwin:	Yes
Roberts:	Yes
Winters:	Yes
Gregorcyk:	Yes
Melton:	Yes

4. Consider adopting an ordinance amending sections of the Gardner Municipal Code relating to the Building Code Board of Appeals

**RECORD OF PROCEEDINGS OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS**

Page No. 2020 - 143
September 8, 2020

Senior Management Analyst Amy Nasta stated this is a housekeeping item tied to title 15 that was just passed. After adopting that ordinance, staff recommends updating four (4) sections of GMC Chapter 2.60, Board of Building Code Appeals, to provide consistency between the provisions for the BCBA in both GMC Title 15 and GMC Chapter 2.60. The sections of code to be amended are as follows. The first two were recommended by Johnson County Fire Department. GMC 2.60.010 establishes a preference for an individual on the board with knowledge of "fire engineering, fire design, or fire protection" among applicants for one (1) of the two (2) member spots that are not designated for those with experience in a particular trade. Nasta noted this is a preference, not a mandate. GMC 2.60.020(M) adds a section regarding the role of the Fire Code Official at BCBA meetings as an ex-officio. The final two, GMC 2.60.050 and GMC 2.60.060 outline the duties of the BCBA and details of the applications for appeal to the BCBA to be inclusive and reflective of all the chapters within GMC Title 15 that refer back to the BCBA.

Mayor Shute noted that the BCBA was established as part of the changes to the building codes that took place in 2019. These are clarifying the relationship back to the building code.

Councilmember Gregorcyk made a motion to adopt an ordinance amending sections 2.60.010, 2.60.020(M), 2.60.050, and 2.60.060 of the Gardner Municipal Code concerning the Building Code Board of Appeals.

Councilmember Melton Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2675.

Roberts:	Yes
Winters:	Yes
Gregorcyk:	Yes
Melton:	Yes
Baldwin:	Yes

5. Consider adopting an ordinance amending section 13.10.100 of the Gardner Municipal Code levying certain fees to be established by the Governing Body by resolution

Senior Management Analyst Amy Nasta stated this is a housekeeping item. For New Business Item 6, the Governing Body will consider adopting a resolution establishing fees. Staff recommends updating GMC Chapter 13.10.100 to allow the Governing Body to levy fees for the inspection of backflow prevention devices. The intent of this ordinance and the subsequent fee resolution to be considered is to provide consistency and/or clarity with regard to how fees and charges for certain items shall be established, to ensure that administrative costs associated with each item are accounted for and charged accordingly so that only those wishing to obtain a service pay for said service, and to ensure that citizens and staff have access to the same list of fees. Nasta noted that the proposed ordinance in and of itself does not set any fees. The ordinance gives the Governing Body the ability to set these fees by resolution as it sees fit.

Councilmember Gregorcyk made a motion to adopt an ordinance amending section 13.10.100 of the Gardner Municipal Code levying certain fees to be established by the Governing Body by resolution.

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2676.

Winters:	Yes
Gregorcyk:	Yes
Melton:	Yes
Baldwin:	Yes
Roberts:	Yes

**RECORD OF PROCEEDINGS OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS**

Page No. 2020 - 144
September 8, 2020

5. Consider adopting a resolution establishing a schedule of fees and charges for Titles 2, 5, 8, 11, 12, 13, 14, 15 and 17 of the Gardner Municipal Code

Senior Management Analyst Amy Nasta stated the most recent large-scale fee resolution passed by the Governing Body was Resolution 1956, passed November 7, 2016. Staff performed an extensive review of the schedule of fees and charges and recommends the revision of several fees and charges included in this resolution. Additionally, the Governing Body passed ordinances 2652 and 2653 at the March 2, 2020 City Council meeting. These ordinances were housekeeping ordinances designed to codify the Governing Body's ability to set various fees by resolution. The City Council just considered and passed ordinances for Titles 13 and 15 at this meeting, which have items including that as well. The purpose of these changes and updates is to ensure that administrative costs associated with each item are accounted for and charged accordingly so that only those wishing to obtain a service pay for said service, rather than subsidizing specific services due to potential inconsistencies in fee assessment; and to ensure that all staff, citizens, and others all have access to the same list of fees so there is transparency for everyone, and so staff are better empowered to assess and collect fees appropriately. Nasta noted that the list of fees included in this resolution is not comprehensive. The following fees have not been included: fees unchanged from previous resolutions, fees established by ordinance, and fees set by staff. In order to ensure the same level of transparency and accessibility with all fees as with those included in this resolution, Staff's intention is to create a comprehensive fee document inclusive of all city fees as a long-term next step following the passage of this resolution.

Councilmember Baldwin noted a typo in 8.60.020J, structure maintenance should be fences and not roof at the beginning of the paragraph, per the header. Councilmember Melton asked if they can pass it with that amended. Mayor Shute confirmed.

Winters asked how the fees were set. What basis was used to set them, or was it a combination of things. Nasta said it was a combination of needing to update them because they had not been updated for 4 years. Some were inconsistent in the case of some of the permitting fees. Some were off by \$5 or \$10 and needed to be consistent. The Business & Economic Development found that sometimes the amount of labor wasn't being covered by the amount of the permit fee. There isn't an exact log of how much time for each item, but an overall estimation showed that some of the fees weren't covering it. There was a need to cover basic expenses. Mayor Shute asked if she was referring to inspection fees. Nasta confirmed.

Mayor Shute said he'd received concern that extra fees had been added. He went through the list and found very few fees added. Most were fees that had been codified elsewhere that they are now putting into a single resolution. Nasta confirmed, stating that most have been in other areas or set by staff. For example, fees for Open Records requests were previously allowed to be set by staff, which could result in inconsistency. Since that was passed, there haven't been charges for open records requests, but they should be charging for certain requests over 15 minutes. It's not a new fee, it's a fee that wasn't being charged and was previously authorized.

Councilmember Gregorcyk had questions regarding KORA. If someone calls for a request, will they be informed of what the bill is in advance? Nasta confirmed, stating that if a request will take more than 15 minutes, staff will provide a time estimation and what the charge will be. If a records box is pulled from storage, that fee will be included as well. Gregorcyk clarified that the requestor would receive the estimate and be able to decide if they wish to proceed or not. Nasta confirmed. Gregorcyk also clarified that if it's less than 15 minutes, it's free? Nasta confirmed.

Mayor Shute noted that most requests are short, but is more for large volumes of email or documents that are kept in storage that will be delivered to the city. Nasta confirmed and said this is also very similar with what other municipalities do, which is to charge for time after a certain amount of time. Shute noted some charge by the page, but an email could be considered a page of information, and the city doesn't want to do that.

Councilmember Baldwin asked if the city brings in a box from storage, is staff digitizing that so they can run a query and not order the box again? Nasta said where staff are able, they are, however there is a large amount of

**RECORD OF PROCEEDINGS OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS**

Page No. 2020 - 145

September 8, 2020

boxes in storage. The process for digitizing can be time consuming. Shute noted digitizing can be expensive. Nasta said some documents are quite old and could be damaged by scanning.

Councilmember Melton made a motion to adopt a resolution establishing a schedule of fees and charges for Titles 2, 5, 6, 8, 11, 12, 13, 14, 15 and 17 of the Gardner Municipal Code.

Councilmember Gregorcyk Seconded.

With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution number 2059.

Gregorcyk:	Yes
Melton:	Yes
Baldwin:	Yes
Roberts:	Yes
Winters:	Yes

COUNCIL UPDATES

Mayor Shute asked Finance Director Wolff about budget versus actual currently. Wolff said sales tax continues to surprise them. Staff will have an update when they hit the 3rd quarter. Wolff noted it's surpassing expectations in use tax and city sales tax. Shute appreciates the finance staff's diligence. City Administrator Pruetting noted they are being cautious in their projections, as they don't know what the impact of the extra \$600 per week in unemployment has had on the economy and spending in town and the county. They are not claiming to be out of the woods while they wait for that information.

Mayor Shute noted that they appointed Mia Ham to Planning Commission. He asked City Clerk Rose about other boards and committees. Rose said there are still openings on the Economic Development Advisory Committee and the Public Works and Accessibility Committee. Shute put out the call to serve for anyone interested. He noted they had 8 applicants for the Planning Commission and will ask them to serve in other capacities, but he would like to see additional people come in and serve the community.

Parks Director Bruce said the Smoke on the Trails BBQ competition is this weekend. There's been a lot of planning going into that. Fall sports in full swing. Bruce recognized his staff, saying they've spent hours and hours planning and meeting with city, state, and other entities in order to return to play. He appreciates their efforts and looking forward to fall sports. Mayor Shute said they've been working hard, not only on fall sports, but also events like the BBQ competition. He thanked Bruce and his staff.

City Administrator Pruetting noted that there is a planning portal where they can submit project costs for projects they would like to do if the funds are approved and available through the CARES Act. One project they are working on is upgrading equipment for video meeting, so that council can see/hear members on zoom, and upgrade the sound so people watching remotely can listen to the meetings. Pruetting said every city had to submit their primary projects to date last week. Gardner's projects that were submitted were approved as low risk for audit by the federal government and were approved to move forward. Mayor Shute asked what's the total on projects submitted? Pruetting said \$132,000. Shute said that was low in comparison to other communities. Pruetting said they did have a per capita cap. Shute noted they were more proactive than many communities, and were able to get PPE early. Pruetting noted they needed to add an executive session for attorney/client privilege.

Public Works Director Kramer said they would like to return to the crosswalk and speed enforcement in 4-6 months. They can gather speed data again. He noted the issue with speed bumps or tables is that it slows traffic when there's not a need, so complaints will go the other way as well. The city doesn't use speed bumps or tables anywhere. They can lead to increased speed, cars slow to pass the speed bump and then speed up even more after. Kramer said the contractor is on site at Plaza South and beginning construction of 188th Street east of Gardner Rd. They will see a lot of equipment in that area. Shute noted there are a lot of people looking forward to seeing that built out. Councilmember Gregorcyk asked why do a speed evaluation in 4-6 months and not sooner? Kramer said they can do it sooner, but they do need some amount of time between existing data. Gregorcyk

**RECORD OF PROCEEDINGS OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS**

Page No. 2020 - 146

September 8, 2020

noted that school is beginning, there are new drivers, park, greenway space, he recommends sooner rather than later. Pruetting noted the city owns the armadillo, so they can do it any time. Councilmember Winters agreed with Gregorcyk; if the city owns it and there's minimal effort. Shute said if there's no expense, why wait 6 months.

Councilmember Gregorcyk followed up with City Administrator Pruetting and Director Kramer. They received an email on July 17 regarding lighting along 183rd street, travel along Grand and Plum, and on Cedar. Her concerns are with lighting and residential trees that are low over sidewalk. Shute clarified that these are trees over sidewalk, and is that the responsibility of homeowner? City Attorney Denk said if it overgrows city property, the city has a right to trim it back. The homeowner does not have an obligation to trim it back city standards. If the tree dies and is at risk of falling onto city property or neighboring property and the owner doesn't remove it, then they stand some amount of exposure. Shute clarified there's no requirement to trim them back. If the city wants to clear the sidewalks, they would have to do it themselves. Gregorcyk said they could send a letter to the owners asking them to trim. Denk said assuming the path is in the city ROW, when they acquire ROW they can acquire the rights to trim back any vegetation, but staff can make that ask. Kramer said he has communicated with Codes Enforcement and other departments on that email. Codes Officer is working on some issues, others will need follow up.

EXECUTIVE SESSION

1. Consider entering into executive session to discuss matters of attorney/client privilege.

Recess into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss matters of attorney/client privilege.

Councilmember Melton made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss personnel matters related to non-elected personnel beginning at 7:54 pm; returning to regular session at 8:09 pm.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Councilmember Melton made a motion to resume regular session at 8:09 p.m.;

Councilmember Winters seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

2. Consider entering into executive session to discuss personnel matters of non-elected personnel

Recess into executive session pursuant to K.S.A. 75-4319 (b) (1), to discuss personnel matters related to non-elected personnel.

Councilmember Gregorcyk called point of order, he wished to strike this executive session, as he did not agree with it. Mayor Shute asked for consensus. Winters, Melton, Baldwin provided consensus to recess to executive session.

Councilmember Melton made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b) (1), to discuss personnel matters related to non-elected personnel beginning at 8:10 pm; returning to regular session at 8:30 pm.

Councilmember Baldwin Seconded.

With a majority of the Councilmembers voting in favor of the motion, the motion carried.

3 – Aye (Winters, Melton, Baldwin)

2 – Nay (Gregorcyk, Roberts)

**RECORD OF PROCEEDINGS OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS**

Page No. 2020 - 147

September 8, 2020

Councilmember Melton made a motion to resume regular session at 8:30 p.m.;

Councilmember Baldwin seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Councilmember Melton made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b) (1), to discuss personnel matters related to non-elected personnel beginning at 8:30 pm; returning to regular session at 8:45 pm.

Councilmember Baldwin Seconded.

With a majority of the Councilmembers voting in favor of the motion, the motion carried.

Councilmember Gregorcyk made a motion to resume regular session at 8:45 p.m.;

Councilmember Melton seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember Melton and seconded by Councilmember Baldwin the meeting adjourned at 8:46 p.m.

City Clerk

City of Gardner, KS

Council Actions

September 8, 2020

The City Council took the following actions at the September 8, 2020, meeting:

1. Proclaimed the week of September 17-23, 2020 as Constitution Week in the City of Gardner, Kansas.
2. Approved the minutes as written for the regular meeting held August 17, 2020. (Passed unanimously)
3. Approved City expenditures prepared August 14, 2020 in the amount of \$914,186.40; and August 21, 2020 in the amount of \$3,530,962.82; and August 28, 2020 in the amount of \$4,737,098.87. (Passed unanimously)
4. Appointed Mia Ham to serve on the Planning Commission with a term expiring May 2021. (Passed unanimously)
5. Appointed David Knopick as Community Development Director. (Passed unanimously)
6. Adopted Ordinance No. 2673, an ordinance amending multiple sections of Titles 5, 14, and 17 of the Gardner Municipal Code relating to the change in name from "Business and Economic Development" Department and Director to "Community Development" Department and Director. (Passed unanimously)
7. Adopted Ordinance No. 2674, an ordinance declaring, establishing, amending and creating codes, procedures and policies for construction, including the Building, Electric, Fire, Fuel Gas, Housing, Mechanical, Plumbing, and Residential Codes, amending Chapters 15.05, 15.15, 15.25, 15.30, 15.35, 15.40, 15.45 and 15.50, Buildings and Construction of the Code of the City of Gardner, Kansas, and amending or repealing all ordinances or regulations not in conformity herewith. (Passed unanimously)
8. Adopted Ordinance No. 2675, an ordinance amending sections 2.60.010, 2.60.020(M), 2.60.050, and 2.60.060 of the Gardner Municipal Code concerning the Building Code Board of Appeals. (Passed unanimously)
9. Adopted Ordinance No. 2676, an ordinance amending section 13.10.100 of the Gardner Municipal Code levying certain fees to be established by the Governing Body by resolution. (Passed unanimously)
10. Adopted Resolution No. 2059, a resolution establishing a schedule of fees and charges for Titles 2, 5, 6, 8, 11, 12, 13, 14, 15 and 17 of the Gardner Municipal Code. (Passed unanimously)
11. Recessed into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss matters of attorney/client privilege for fifteen (15) minutes. (Passed unanimously)
12. Recessed into executive session pursuant to K.S.A. 75-4319 (b) (1), to discuss personnel matters related to non-elected personnel for twenty (20) minutes. (Passed 3-2)
13. Recessed into executive session pursuant to K.S.A. 75-4319 (b) (1), to discuss personnel matters related to non-elected personnel for fifteen (15) minutes. (Passed 4-0, 1 absent)